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3 **UNITED STATES DISTRICT COURT**4 **DISTRICT OF NEVADA**

5 COLLEEN HARRINGTON,

6 Plaintiff

7 v.

8 STATE OF NEVADA ex. rel. NEVADA
9 SYSTEM OF HIGHER
10 EDUCATION/COLLEGE OF SOUTHERN
11 NEVADA,

12 Defendant

Case No.: 2:18-cv-00009-APG-BNW

**Order Denying Motion for Summary
Judgment**

[ECF No. 49]

13 Defendant State of Nevada moved for summary judgment. In response, plaintiff Colleen
14 Harrington, who was representing herself at that point, requested a continuance because her
15 counsel had withdrawn. Harrington understood that, prior to her counsel withdrawing, the
16 parties had agreed to extend discovery and other deadlines. No stipulation or order to extend the
17 deadlines was entered, however. Her prior counsel also told her that the defendants had not
18 responded to discovery requests. So Harrington requested the defendant be required to produce
19 discovery responses. ECF No. 52. Magistrate Judge Weksler partially granted Harrington's
20 request and recently reopened discovery and set a new deadline for dispositive motions. ECF No.
21 63.

22 Because Harrington is pro se, I liberally construe her response as one for relief under
23 Federal Rule of Civil Procedure 56(d). Given that she is no longer represented by counsel and
that the defendant allegedly did not properly respond to discovery requests before moving for
summary judgment, fairness and the preference for resolving cases on their merits dictate that

1 she be permitted to conduct discovery before responding to the motion. I therefore deny the
2 defendant's motion for summary judgment, without prejudice to refile it at a later date.

3 I THEREFORE ORDER that the defendant's motion for summary judgment (**ECF No.**
4 **49**) is **DENIED without prejudice**.

5 DATED this 20th day of April, 2020.

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8 ANDREW P. GORDON
9 UNITED STATES DISTRICT JUDGE
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